

PUBLIC ADMONISHMENT OF JUDGE JOHN M. WATSON

The Commission on Judicial Performance has ordered Judge John M. Watson publicly admonished pursuant to Article VI, section 18(d) of the California Constitution and Commission Rule 115, as set forth in the following statement of facts and reasons found by the commission:

STATEMENT OF FACTS AND REASONS

Judge Watson has been a judge of the Orange County Superior Court since October 1989. His current term began in January 2005.

For many years, Judge Watson owned two rental properties in Southern California, in La Habra and Whittier. (The properties were sold in 2005.) From approximately 2000 through mid-2004, Judge Watson sought and received help from his courtroom clerk with the day-to-day management of these properties. The judge instructed tenants to call him at the courtroom number, and used his clerk as the contact person for tenants. The clerk received and returned telephone calls from tenants and relayed messages between the judge and the tenants about matters such as inspections and repairs. She made calls to various businesses and the Los Angeles Housing Authority in connection with the judge's properties, and occasionally sent and received faxes from the Realtors who leased the La Habra property for the judge. Judge Watson had his clerk prepare approximately 40 letters and legal notices in connection with his real estate business, including tenancy termination notices and notices to quit. (With one exception, noted below, the judge's judicial title was not used in this correspondence.) The clerk performed these tasks whenever the judge requested, in the courtroom during the workday.

On a few occasions toward the end of 2000 and the beginning of 2001, Judge Watson had his clerk and bailiff accept rental payments in the courtroom, and had courtroom staff provide receipts to the tenants. The bailiff also received occasional calls from tenants.

From 2000 through mid-2004, Judge Watson's chambers letterhead was used in connection with the real estate business on four occasions: one letter to a tenant under the clerk's name, one letter to a tenant from "John M. Watson," one handwritten unsigned note from the judge to a tenant, and one letter to the Los Angeles Housing Authority from "John M. Watson, Judge, Orange County Superior Court." Chambers and court envelopes were used in connection with the real estate business on eight occasions.

"A judge may not use his or her office, staff, or public property and/or resources under the judge's control for personal, non-governmental purposes. This is an obvious part of the obligation of a judge to 'act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.' [Citation.] The public is entitled to expect that judges will conscientiously use resources paid for by the taxpayers only for the purpose for which those resources were intended." (Rothman, *California Judicial Conduct Handbook* (2d ed. 1999) § 3.33.) (See *Inquiry Concerning Judge D. Ronald Hyde*, No. 138 (1996) Decision and Order of Public Censure [over five-year period, judicial secretary spent 10 working days performing tasks for paralegal class taught by judge, 40 hours of work that benefited club judge was member of,

and 24 days of work for charity judge was interested in; judge used fax machine to send 57 personal faxes out of state, and used secretary to send over 40 personal letters on court stationery]; *In the Matter of Judge Robert C. Coates*, Pub. Admon. 23 (2000) Decision and Order of Public Admonishment [judge admonished for conduct that included use of court secretaries to prepare and send, during court hours using court resources, over 100 letters and documents involving the judge's personal interests unrelated to judicial duties; five letters were, or appeared to have been, designed to lend the prestige of judicial office to advance the judge's personal interests].)

The prohibition against the use of court resources necessarily applies with greater force with respect to a judge's business activities undertaken for personal financial gain. (See *Inquiry Concerning Judge James R. Ross*, No. 141 (1998) Decision and Order of Public Censure [retired judge censured for conduct that included use of prestige of judicial office to promote book he authored; judge sold copies of book from chambers and through his bailiff to jurors and attorneys].) "A judge may not misuse the administrative resources available to the judge. To accomplish a judge's varied administrative responsibilities ... a judge has individuals, equipment, and facilities at his or her command. Among a judge's administrative responsibilities is the duty to insure that these resources are utilized primarily in connection with the judge's judicial responsibilities and secondarily in connection with peripheral matters related to the judicial function [¶] A judge may not use these public resources for personal financial gain." (Shaman, Lubet and Alfini, *Judicial Conduct and Ethics* (3d ed. 2000) § 6.13.)

Judge Watson's use of court staff, court resources and the court facilities for his personal real estate business was improper. This conduct was inconsistent with the Code of Judicial Ethics, canon 1 (judge shall uphold integrity of judiciary) and canon 2A (judge shall avoid impropriety and the appearance of impropriety; judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary). The use of court and chambers stationery was inconsistent with canon 2B(2) (judge shall not lend the prestige of judicial office to advance the pecuniary or personal interests of the judge). The one instance of correspondence sent on chambers stationery under the judge's title was inconsistent with canon 2B(4) (judge shall not use the judicial title in any written communication intended to advance the personal or pecuniary interest of the judge).

Commission members Mr. Marshall Grossman, Mrs. Crystal Lui, Justice Judith D. McConnell, Ms. Patricia Miller, Mrs. Penny Perez, Judge Rise Jones Pichon, Ms. Barbara Schraeger, and Mr. Lawrence Simi voted to impose a public admonishment. Commission member Judge Frederick P. Horn was recused. Mr. Michael Kahn and Mr. Jose Miramontes did not participate.

February 21, 2006